

DISCUSSION OF THE AMENDMENT

The specification has been amended to correct a typographical error.

Claim 1 has been amended by changing “cap” to -- inside surface-- in the term “said material layer is an outermost layer of said . . . .” The change is at least inferentially supported throughout the specification based on the function of the non-wetting material layer, and particularly by Figs. 1 and 2, and also at paragraph [0010].

No new matter is believed to have been added by the above amendment. Claims 1-31 remain pending.

As agreed to by the Examiner during the interview, discussed *infra*, Claims 1-12 are no longer withdrawn from consideration but are active. Thus, Claims 1-12 and 28-31 are active. Claims 13-27 stand withdrawn from consideration, but are rejoinable.

REMARKS

Applicant thanks the Examiner and the Examiner's supervisor for the courtesy extended to Applicant's attorney during the interview held February 21, 2008, in the above-identified application. During the interview, Applicants' attorney explained the intent behind the previous amendment to Claim 1 and why it was erroneous to withdraw Claims 1-12 from consideration. The Examiner agreed that the above-discussed amendment clarified matters; that the withdrawal of Claims 1-12 from consideration would be vacated; and that the amendment would be entered. Applicant's attorney also argued why the claims are patentable over the applied prior art, as now discussed.

The rejection of Claims 28-31 under 35 U.S.C. § 103(a) as unpatentable over US 3,910,445 (Garza et al) in view of US 4,310,100 (Kunimoto et al), is respectfully traversed.

Garza et al discloses a crown cap which the Examiner concedes does not include a non-wetting layer. The Examiner thus relies on Kunimoto et al.

Kunimoto et al discloses a container cap having an easily peelable liner comprising a layer of a hydrocarbon resin or natural resin and a layer containing an epoxy resin and having a peelable interface therebetween, resulting in excellent dust-resisting properties (column 1, lines 54-66).

The Examiner finds that the epoxy resin layer of Kunimoto et al is present in order to prevent corrosion.

In reply, it is the protecting layer 2 therein, not the epoxy resin layer, that is disclosed as relating to corrosion resistance (column 5, line 23ff). More importantly, as Applicant's attorney noted at the above-referenced interview, epoxy resins are not necessarily non-wetting nor does Applicant disclose epoxy resins as non-wetting *per se*. Nevertheless, at least for Claims 1-12, the rejection is now moot, since the presently-recited material layer

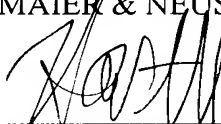
requires the presence of an additive, and that the material layer be an outermost layer of the inside surface of the cap. In Kunimoto et al, the epoxy resin layer is not an outermost layer.

In sum, Kunimoto et al does not disclose a non-wetting layer. Therefore, even if the epoxy resin layer of Kunimoto et al were employed to modify the crown cap of Garza et al, the result would still not be the presently-claimed invention. Accordingly, it is respectfully requested that this rejection be withdrawn.

Applicant respectfully submits that all of the presently pending and active claims in this application are now in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to rejoin the non-elected method claims, and in the absence of further grounds of rejection, pass this application to issue with all pending claims.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Robert T. Pous  
Attorney of Record  
Registration No. 29,099

Harris A. Pitlick  
Registration No. 38,779

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 03/06)

RTP:HAP\la